

1 SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

2 BRIAN STRETCH (CABN 163973)  
Chief, Criminal Division

4 DENISE MARIE BARTON (MABN 634052)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102  
7 Telephone: (415) 436-7359  
Facsimile: (415) 436-7234  
denise.barton@usdoj.gov

8 Attorneys for Plaintiff

10  
11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) CR No. 03-07-70344 BZ  
15 Plaintiff, )  
16 v. ) STIPULATION AND [PROPOSED] ORDER  
17 JOHN DOE aka VADINHO aka ) EXTENDING THE TIME LIMIT FOR THE  
18 GERARDO GUILLERMO RUIZ- ) PRELIMINARY HEARING AND  
SANCHEZ, ) EXCLUDING TIME  
19 Defendant.\_\_\_\_\_ )  
20 \_\_\_\_\_ )

21 The parties now stipulate and request that the Court enter an Order that the Preliminary  
22 Hearing be removed from the August 23, 2007 calendar and be continued until September 6,  
23 2007 and that time should be excluded from the Speedy Trial Act calculations from August 23,  
24 2007 through September 6, 2007 for effective preparation of counsel. The Government has  
25 provided discovery to the defendant and counsel for the defendant requires time to review this  
26 discovery . Further, counsel for the Government and defense counsel are currently discussing  
27 pre-indictment resolution of this matter. Finally, counsel for the defendant does not believe it is  
28

STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME LIMIT FOR THE PRELIMINARY  
HEARING AND EXCLUDING TIME - CR 03-07-70344 BZ

1 within his client's best interest to hold a preliminary hearing within 10 days, pursuant to Fed. R.  
 2 Crim. P. 5.1(c),(d). The parties represent that granting this continuance is necessary for effective  
 3 preparation of counsel to permit defense counsel to review discovery, taking into account the  
 4 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

5 IT IS SO STIPULATED.

6 SCOTT N. SCHOOLS  
 7 United States Attorney

8 DATED: August 23, 2007

9 \_\_\_\_\_/s/  
 10 DENISE MARIE BARTON  
 Assistant United States Attorney

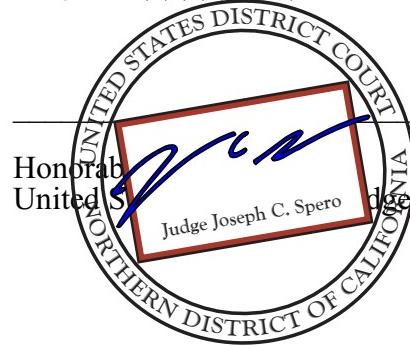
11 DATED: August 23, 2007

12 \_\_\_\_\_/s/  
 13 GEORGE BOISSEAU  
 Attorney for JOHN DOE aka VADINHO  
 14 aka GERARDO GUILLERMO RUIZ-  
 SANCHEZ

15 **IT IS SO ORDERED.**

16 The Preliminary Hearing shall be removed from the August 23, 2007 calendar and be  
 17 continued until September 6, 2007. For the reasons stated above, the Court finds that the ends of  
 18 justice served by the continuance outweigh the best interests of the public and the defendant in a  
 19 speedy trial and that time should be excluded from the Speedy Trial Act calculations from  
 20 August 23, 2007 through September 6, 2007 for effective preparation of counsel. See 18 U.S.C.  
 21 §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant  
 22 effective preparation of counsel, taking into account the exercise of due diligence, and would  
 23 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

24 DATED: August 23, 2007



25  
 26  
 27  
 28 STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME LIMIT FOR THE PRELIMINARY  
 HEARING AND EXCLUDING TIME - CR 03-07-70344 BZ